

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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|---------------------------|---|--------------------------|
| HIGHMARK, INC. | § | |
| | § | |
| VS. | § | CIVIL NO. 4:03-CV-1384-Y |
| | § | |
| ALLCARE HEALTH MANAGEMENT | § | |
| SYSTEMS, INC. | § | |

ORDER DENYING RECONSIDERATION
AND GRANTING EXTENSION OF TIME TO RESPOND

On June 17, 2010, the Court conducted a hearing on the pro se Emergency Motion to Reconsider (doc. #662) filed by defendant Allcare Health Management Systems, Inc. ("Allcare"). In that motion, Allcare sought reconsideration of this Court's order allowing the McKool Smith law firm to withdraw as Allcare's counsel in this case. According to Allcare, it has been unable to retain new counsel and, because of its status as a corporation, cannot respond PRO SE to briefing before the Court on the issue of the amount of attorneys' fees incurred by plaintiff Highmark, Inc. ("Highmark").

Having reviewed the briefing and heard the arguments at the hearing, the Court ORDERS the following:

(1) To the extent that Allcare's emergency motion seeks to have the order allowing McKool Smith and its attorneys to withdraw from this case, that motion is DENIED.

(2) To the extent the emergency motion seeks an extension of time to respond to Highmark's briefing on the amount of attorneys' fees as an alternative to reconsideration of the order allowing McKool Smith's withdrawal, the motion is GRANTED. Allcare must file its response no later than July 21, 2010, and must do so through counsel.

(3) The Court WITHDRAWS its request of counsel for Highmark to

submit a motion to stay or abate. The Court will endeavor to rule on the currently pending motions to reconsider Rule 11 sanctions prior to and apart from its ruling on the amount of attorneys' fees to be awarded to Highmark under 35 U.S.C. § 285. And the Court will make clear the evidence properly before the Court and considered in making each ruling in order to make these issues clear to the appellate court.

SIGNED June 18, 2010.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE